

WATER PERMIT NO. 7831-3

Name of Applicant: Mitchell Family Ltd Partnership

Address: PO Box 711, Yankton SD 57078 Phone: 605 661-7523

Amount of Water Claimed: 1.78 cfs Total Acres: 130 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 15 miles northwest of Yankton

PRIORITY Date Received: 3-27-13

Application/License Fee: \$ 1050

Corrected Application Received: 4-15-13

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SW 1/4 NE 1/4 Sec 27-T95N-R57W

Land to be Irrigated: NE 1/4 Sec 27-T95N-R57W

Depth of Well: 150 feet deep

Well Driller:

Remarks:

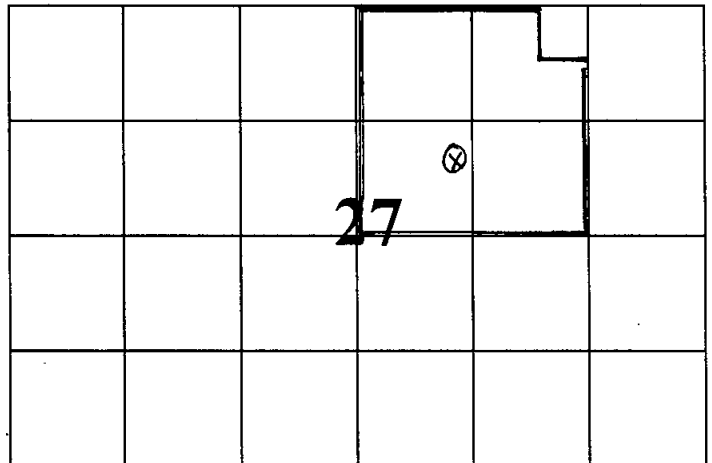
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-15-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7831-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Press + Dakotan</u>	<u>605-665-7811</u>
	<u>319 Walnut Yankton 57028</u>	

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Mitchell Danity Ltd Partnership
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address P.O. Box 711 Yankton SD 57028
(Address) (City) (State) (Zip Code)
Home Phone 605 665 7523 601-7523 Email _____
2. Amount of water claimed 1.78 *CFS or 800 **GPM 130 ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion One Well 27-95N-57W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
(SW1/4 NE1/4) County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used April 1 - Oct. 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>27-95N-57W</u>	<u>130</u>	<u>Total ac</u>	

8. Give a description of the project. (Attach sheet if more space is needed)

only 130 will be irrigated

I, Dan Mitchell the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7831-3**

Date of first receipt of application March 27, 2013.

Date of return to applicant for corrections, amendments or changes March 27, 2013.

Date of receipt of corrected application April 15, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7831-3 to Mitchell Family Ltd Partnership, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7831-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Scotland Management Unit of the Lower James:Missouri Aquifer (150 feet deep) located in the SW 1/4 NE 1/4 Section 27 for irrigation of 130 acres located in the NE 1/4 Section 27; all in T95N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – October 31.
3. The date from which applicant may claim right is March 27, 2013.
4. The date of approval of Permit No. 7831-3 is July 1, 2013.
5. One-fifth of the construction is to be completed on or before January 1, 2016.
6. All construction is to be completed on or before July 1, 2018.
7. Water is to be put to beneficial use on or before July 1, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Water Permit No. 7831-3 shall not be completed into the Niobrara Aquifer.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 7831-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 30 2013

date



Supplemental Information

(type or print)

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1. Well Information

(check one or both as applicable)

☒ Drilling new well(s)

☐ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 150 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

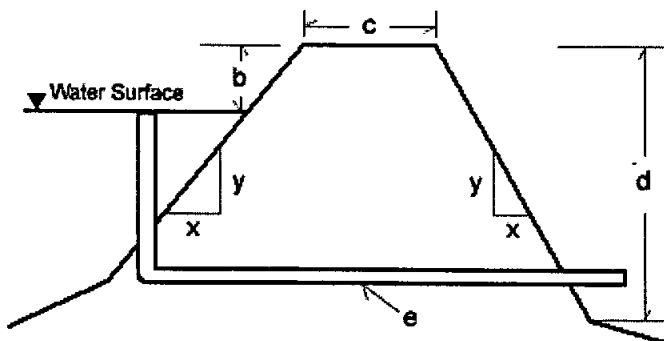
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 27_95N_57W
Farm: 5135

Yankton County, SD
1:8,691



October 23, 2012

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Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.

RECEIPT
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South Dakota Department of Environment and Natural Resources

Date 3/27, 20 13

RECEIVED OF Mitchell Family LP Dennis Mitchell PO Box 711 Yankton SD 57078

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7831-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7831-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **06266**

By *General Ernie G*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 27, 2013

Mitchell Family Ltd, Partnership
PO Box 711
Yankton SD 57078

Dear Sir:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Yankton County. In order to complete the application, the following is required.

- Enclosed is the aerial photo map submitted with the application. Please mark the proposed well location with an "X". I was not certain if the pivot point location was where the well was to be located also.
- Please sign the application at the bottom.
- Enclosed is the Form 2A, Supplemental Information. Please complete Item No. 1 regarding the Well Information. At the very least, we need the proposed depth of the well.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

Water Rights Program - File Documentation

NAME: Dennis Mitchell

ADDRESS: Yankton SD

DATE: 4-15-13 **COUNTY:** YA **TELEPHONE:** 605 661-7523

RE: Well Depth

COMMENTS:

I called Dennis Mitchell regarding his note about not knowing the well depth until the driller figured it out. I told Mr. Mitchell that we could not proceed with his application until we had a proposed well depth. He said he would check into it and get back to me.

Mike Mitchell, son of Dennis called and stated the proposed well depth should be 150 feet deep.



Karen Schlaak
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7831-3, Mitchell Family Ltd Partnership**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7831-3, Mitchell Family Ltd Partnership, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7831-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well authorized by Water Permit No. 7831-3 shall not be completed into the Niobrara Aquifer.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 7831-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman", with a stylized flourish at the end.

Jeanne Goodman, Chief Engineer
June 13, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7831-3
MITCHELL FAMILY LTD PARTNERSHIP
C/O DENNIS MITCHELL
JUNE 13, 2013

Water Permit Application No. 7831-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second (cfs) from one well to be completed into the Scotland management unit of the Lower James Missouri aquifer. The well is expected to be 150 feet deep and is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T95N-R57W. The permit application proposes to irrigate 130 acres in the NE $\frac{1}{4}$ Section 27, T95N-R57W in Yankton County.

AQUIFER: Scotland Management Unit of the Lower James Missouri (LJM: S)

GEOLOGY AND AQUIFER CHARACTERISTICS:

A test hole log was not submitted with this application as required by ARSD 74:02:01:08.01; however, information is available to evaluate the area of the proposed well site. The proposed well site is near a bedrock high that has a small area (approximately 700 acres) of the Niobrara formation. If the proposed well is completed into the Niobrara formation, there would not be a reasonable probability of unappropriated water available due to the very small areal extent of the formation in this area. However, based on lithologic logs (SDGS, 2013) and water well completion reports (Water Rights, 2013c) there is a reasonable probability that any well drilled to the expected depth (150 feet) and at the proposed location would be completed into the Lower James Missouri: Scotland aquifer and not into the Niobrara formation.

The Lower James Missouri: Scotland aquifer is a buried outwash that may be under both confined and unconfined conditions in western Yankton County (Bugliosi, 1986). Bugliosi (1986) included the Lower James Missouri: Scotland in his assessment of the Lower James Missouri aquifer in Yankton County. Previously, Jorgenson (1971) combined the Lower James Missouri: Scotland and the Choteau: Tyndall aquifers into the Tyndall-Scotland aquifer in Bon Homme County. The Lower James Missouri: Scotland extends from central Bon Homme County into Yankton County where it blends into the Lower James Missouri aquifer. The Lower James Missouri: Scotland underlies approximately 72,800 acres and contains an estimated 1,110,650 ac-ft of recoverable water in storage (Hedges et.al, 1982). Groundwater movement is generally from the west toward the James River in the east. The aquifer appears to be under confined conditions in the area of this application.

A summary of geology of the water well completion report nearest to the proposed well site, which is less than 0.2 miles away, is shown in Table 1. The well completion report identifies aquifer material from 117 to 130 feet below grade and from 140 to 214 feet below grade. In this area that is consistent with the Lower James Missouri: Scotland aquifer.

Well Completion Date:	05/13/2004	
	Depth	
Formation	From	To
Sandy Yellow Clay	0	15
Sandy Blue Clay	15	55
Blue Clay	55	80
Sandy Blue Clay	80	117
Fine Gray Sand	117	120
Med Gray Sand	120	130
Blue Clay	130	140
Sand & Gravel	140	180
Gravel	180	200
Sand & Gravel 54 Grains Hard	200	214

Table 1- Summary of geology of the nearest water well completion report to the proposed well site (Water Rights, 2013c)

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

This application proposes to appropriate water from the Lower James Missouri: Scotland aquifer. Actual water use, if this application is approved, will likely be less than 260 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Lower James Missouri: Scotland aquifer is primarily through infiltration of precipitation, and seepage from adjacent till (Bugliosi, 1986). Hedges and others (1985) estimated, by regional flow-net analysis, the recharge to the Lower James Missouri: Scotland to be 1.5 inches per year. Total estimated recharge to the Lower James Missouri: Scotland aquifer is 9,100 ac-ft/yr.

Discharge:

Discharge from the Lower James Missouri: Scotland is from leakage to the James River, till adjacent to the aquifer, and from well withdrawals (Bugliosi, 1986). There are 15 water rights/permits authorizing diversion from wells completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2013b). There are 14 water rights/permits authorizing water use for irrigation purposes and one, Water Right No. 7072-3, authorizing water use for livestock confinement operation purposes. The estimated annual pumpage by Water Right No. 7072-3 is 47.8 ac-ft. This estimation assumes pumping 60 percent of the time at the maximum permitted diversion rate. Water use from the Lower James Missouri: Scotland aquifer as reported to the SD DENR-Water Rights Program through annual irrigation questionnaires is shown in Table 2.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	11	4327	398.17
2010	10	4239	62.68
2009	10	4239	111.18
2008	10	4239	358.36
2007	7	3485	212.12
2006	7	1937	530.85
2005	7	1617	383.6
2004	7	1617	176.77
2003	7	1617	484.28
2002	6	1601	422.6
2001	6	1601	384.7
2000	6	1601	445.96
1999	6	1601	271.26
1998	7	2035	249.47
1997	7	2287	245
1996	7	2287	239.65
1995	7	2374	275.03
1994	7	2374	196.19
1993	8	2416.4	26
1992	7	2230.4	120
1991	7	2230.4	283
1990	7	2230.4	417
1989	7	2230.4	297
1988	7	2230.4	359
1987	7	2230.4	194.4
1986	7	2230.4	190
1985	6	2146	241
1984	6	2146	186
1983	7	2230.4	119.45
1982	5	2026	125.95
1981	5	2026	119.45
1980	3	1050	73
1979	3	1050	118
Min	3	1050.0	26.00
Max	11	4327.0	530.85
Avg	6.9	2296.4	252.03

Table 2- Water use by irrigation from the Lower James Missouri: Scotland aquifer (Water Rights, 1979-2012).

Comparing the average annual recharge calculated by Hedges and others (1985), 9,100 ac-ft, to the estimated maximum annual pumpage from the aquifer, 578.9 ac-ft, there is a reasonable

probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 17 observation wells completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2013a). The nearest observation wells to the proposed well site are wells YA-77A, and YA-80E, located approximately 0.7 miles south, and 1.4 miles southeast, respectively. Figures 1 and 2 show the hydrographs for observation wells YA-77A, and YA-80E, respectively. The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The effects of pumping are evident in the hydrographs over the period of record. However, they have not been significant over the period of record. The observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Recognizing that natural discharge from the aquifer can be captured for pumping; there is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer.

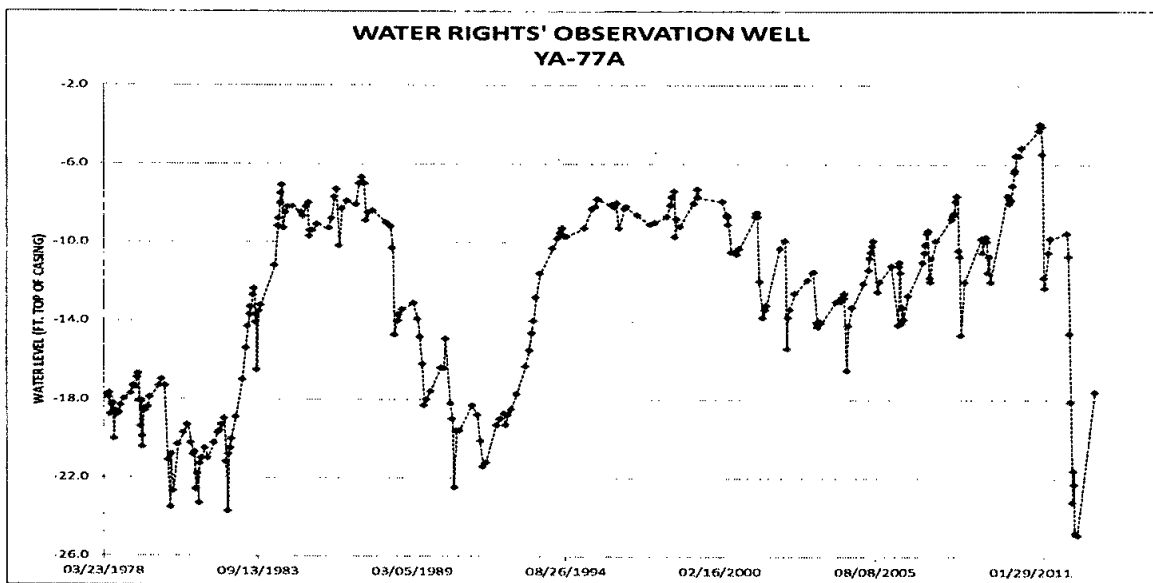


Figure 1- Hydrograph of observation well YA-77A (Water Rights, 2013a).

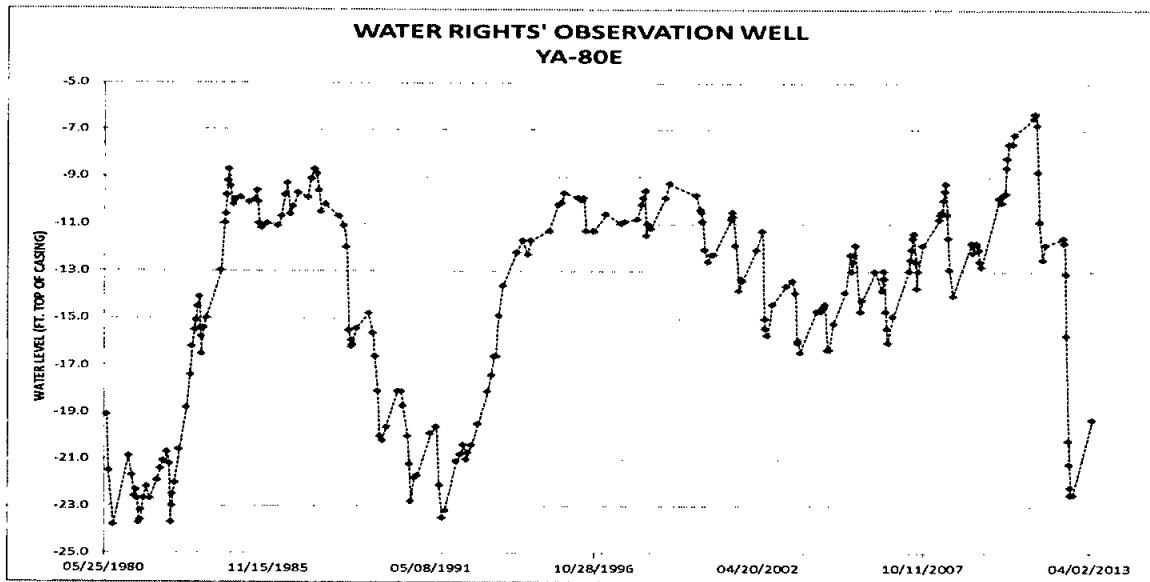


Figure 2- Hydrograph of observation well YA-80E (Water Rights, 2013a).

EXISTING WATER RIGHTS:

There are three irrigation wells, authorized under Water Permit Nos. 6389-3, 7015-3, and 7538-3, approximately one mile southeast, 1.2 miles northeast, and 1.6 miles north from the proposed well site, respectively (Water Rights, 2013b). There are no other appropriative right wells within approximately 3.5 miles. There are a number of domestic wells on file with the SD DENR-Water Rights Program within approximately two miles. There are two domestic wells within one mile; one at approximately 0.5 miles northwest and the other at 0.2 miles southeast (Water Rights, 2013c). Table 3 shows the water rights/permits appropriating water from the Lower James Missouri: Scotland aquifer.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
3514-3	Larry Rupiper	LC	IRR	1.39	97
4179-3	Larry Rupiper	LC	IRR	0.91	64
4968-3	Donald J. Kulish	LC	IRR	1.16	81
5715-3	Donald J. Kulish	LC	IRR	1.15	81
6389-3	Robert L. Dejong	LC	IRR	2.56	199
6758-3	Maxwell Colony	PE	IRR	4.89	980
6982-3	James Barger	PE	IRR	1.78	136
6983-3	James Barger	PE	IRR	1.78	130
7015-3	Robert Walloch	PE	IRR	1.59	111
7072-3	Fred Kubal	LC	LCO	0.11	N/A
7220-3	Larry Rupiper	PE	IRR	0.22	44
7436-3	Larry Skorepa	PE	IRR	2	185
7485-3	Jerome Poeschl	PE	IRR	1.33	97.2
7524-3	Wayne A. Heckenlaible	PE	IRR	2	120
7538-3	Ron Kulish	PE	IRR	1.78	260
LC = Water Right, PE = Water Permit, IRR = Irrigation, LCO= Livestock Confinement Operation, N/A= Not Applicable					

Table 3- Water Rights/Permits appropriating water from the Lower James Missouri: Scotland (Water Rights, 2013b).

The hydrograph for observation well YA-77A, which is approximately 0.3 miles from the irrigation well authorized by Water Permit No. 6389-3, does not show significant effects from the pumping of the irrigation well. However, the permit, if this application is approved, should include the "standard" permit qualification:

"The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights."

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

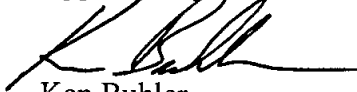
Depending on the specific characteristics of the Lower James Missouri: Scotland aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However when considering the statute (SDCL 46-6-6.1), rule (ARSD 74:02:04:20(7)), the inclusion of the "standard" permit qualification, and the observation well data, well interference from the proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference caused by pumping the proposed well will not be adverse.

CONCLUSIONS:

1. Water Permit Application No. 7831-3 proposes to appropriate water at a maximum diversion rate of 1.78 cfs from one well completed into the Lower James Missouri: Scotland aquifer for the irrigation of 130 acres.
2. If the proposed well is completed into the Niobrara formation, which is known to be nearby in a small bedrock high, there would not be a reasonable probability that unappropriated water is available due to the extremely small areal extent (approximately 700 acres).
3. There is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer to supply the proposed diversion.
4. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.


Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 84-4241.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Jorgensen, D.G. 1971. Geology and Water Resources of Bon Homme County, South Dakota, Part II: Water Resources. Bulletin 21. SD DENR-Geological Survey.
- SDGS. 2013. Lithologic Log Database. < <http://sddenr.net/lithdb/>>. Accessed: May 09, 2013.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer and County": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

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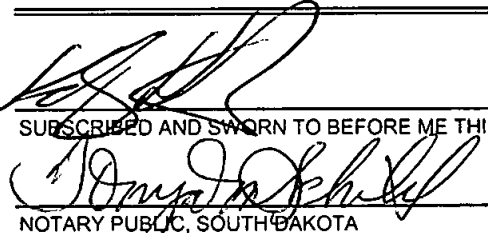
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7831-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF June 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.15 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 6/21/2013

FILED ON: 6/21/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF June 2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

6+21
NOTICE OF APPLICATION
NO. 7831-3 to Appropriate Water

Notice is given that Mitchell Family Ltd Partnership, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Scotland Management Unit of the Lower James:Missouri Aquifer (150 feet deep) located in the SW 1/4 NE 1/4 Section 27 for irrigation of 130 acres located in the NE 1/4 Section 27; all in T95N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7831-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.15.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 13, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7831-3 to Appropriate Water. Please publish the notice once on June 21, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Mitchell Family LTD Partnership, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078 (Ph # 605-665-7523).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 13, 2013

Mitchell Family LTD Partnership
Dennis Mitchell
PO Box 711
Yankton SD 57078

Dear Mr. Mitchell:

Water Permit Application No. 7831-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on June 21, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7831-3 to Appropriate Water

Notice is given that Mitchell Family Ltd Partnership, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Scotland Management Unit of the Lower James:Missouri Aquifer (150 feet deep) located in the SW 1/4 NE 1/4 Section 27 for irrigation of 130 acres located in the NE 1/4 Section 27; all in T95N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7831-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

AUG 30 2013

Mitchell Family Ltd Partnership
Dennis Mitchell
PO Box 711
Yankton SD 57078

Dear Mr. Mitchell:

Enclosed is Water Permit No. 7831-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

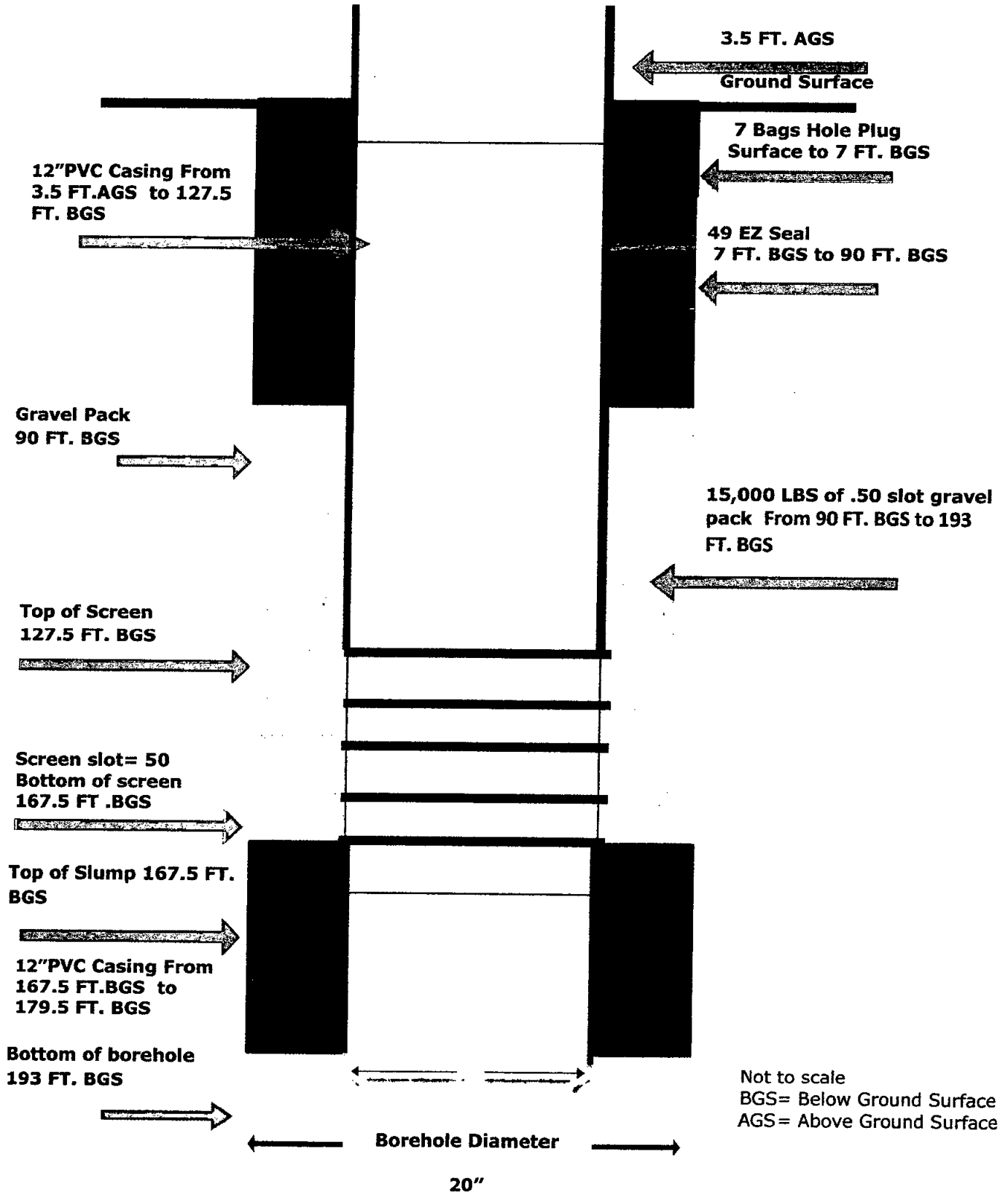
enclosures

CAHOY WELL AND PUMP SERVICE
24568 150TH ST. STE. 200
SUMNER, IA 50674

OWNER: Pace Mitchell
WELL # 1 Irrigation
DATE: 11/13/13

563-578-1130 SUMNER, IA
563-578-1135 FAX
712-781-2030 MARNE, IA
712-781-2032 FAX

WELL CONSTRUCTION DETAIL



DRILLER'S LOG

CLIENT: Pace-Mitchell

WELL: 1 Irrigation

DATE STARTED: 10-28-13

DATE COMPLETED: 11-13-13

DRILLER/LIC.#: Darin Cahoy 1786

[illegible]



7831-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: MITCHELL FAMILY LTD PARTNERSHIP, DENNIS MITCHELL, PO BOX 711,
YANKTON, SD 57078 0711

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7831-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7831-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7831-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 16, 2017

7831-3

Dennis Mitchell
Mitchell Family Ltd Partnership
PO Box 711
Yankton SD 57078 0711

Dear Mr. Mitchell:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit No. 7831-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7831-3**

I have this day, April 11, 2022, made a thorough examination of the water use system constructed by Mitchell Family Ltd. Partnership, PO Box 711, Yankton, SD 57078, holder of Permit No. 7831-3, bearing the priority of March 27, 2013, authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Lower James Missouri: Scotland Aquifer) for the irrigation of 130 acres located in Yankton County.

Inspection contact: James Barger (renter)

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Cahoy Pump Service, Inc.
- 2) No. of Wells: 1
- 3) Depth(s): 193 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 127.5 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 12 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 20 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 800S8750-3A
- 3) Capacity: 800 GPM

Motor:

- 1) Make: Franklin
- 2) Serial No.: P213340002
- 3) Horsepower rating: 75 hp

B. Works used to transport water to place of use:

- 1) Type: Galvanized
- 2) Size: 8 inches
- 3) Length: 60 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,296 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 800 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,310 feet west and 1,360 feet south of the northeast corner of Section 27-T95N-R57W (Latitude 43.02098, Longitude -97.56160 – SE1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 27-T95N-R57W:

NW1/4NE1/4 34 acres

NE1/4NE1/4 22 acres

SW1/4NE1/4 37 acres

SE1/4NE1/4 35 acres

comprising a total of 128 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map: Yes

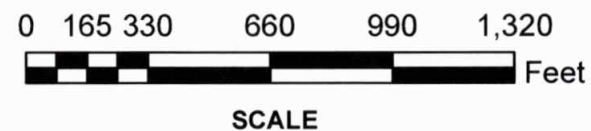
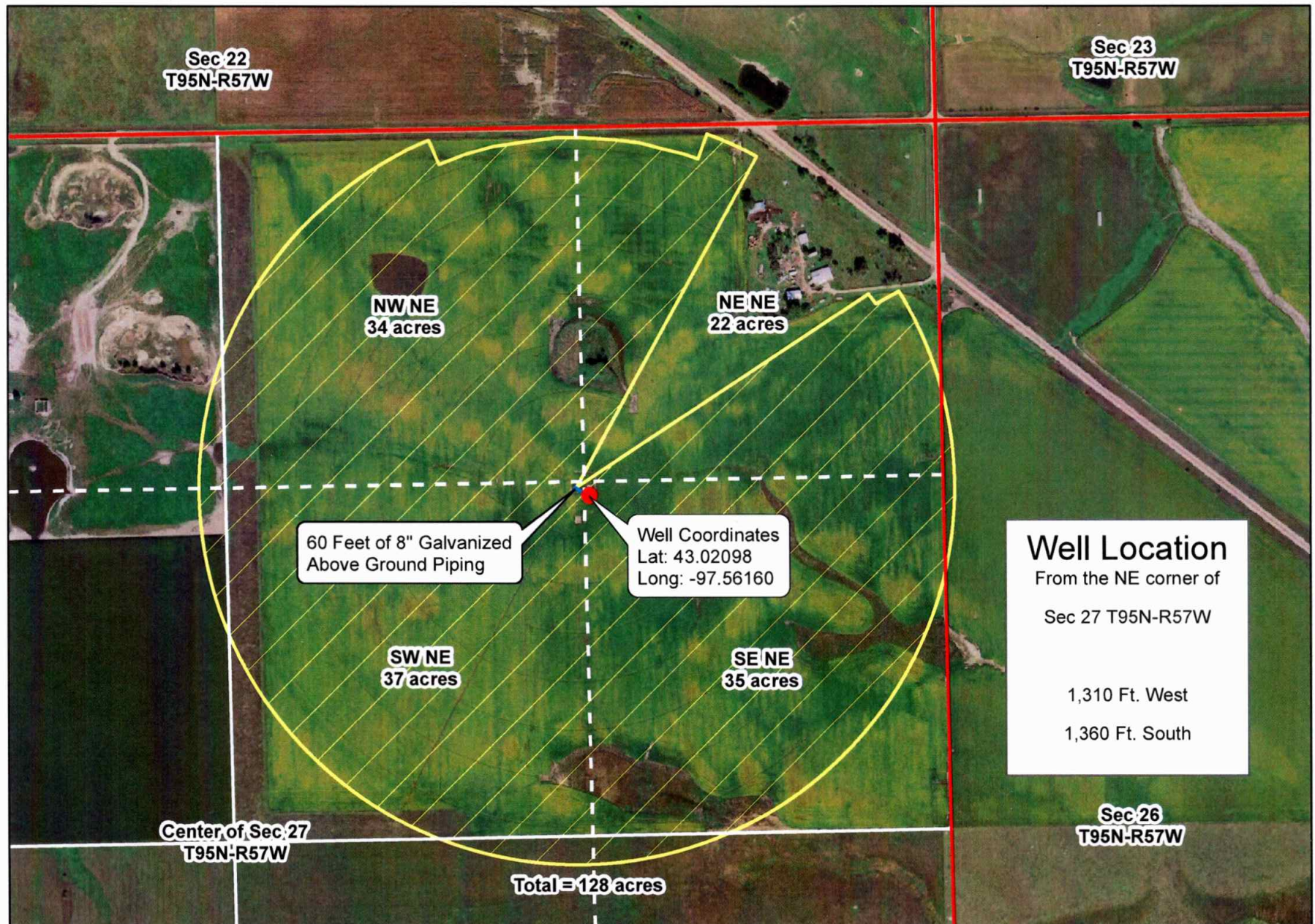
F. Comments or other permit(s) associated with the project: The well is very close to the quarter-quarter line and appears to be in the SE1/4 of the NE1/4 instead of the SW1/4 of the NE1/4. Also, the pump and motor information was obtained from Cahoy Pump and Service, Inc.



Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 20, 2022

Water Right No. 7831-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
April 11, 2022

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Mitchell Family Ltd Partnership

ADDRESS: PO Box 711, Yankton SD 57078

DATE: April 21, 2022

COUNTY: Yankton

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct a 150 foot deep well into the Lower James: Missouri Aquifer in the SW ¼ NE ¼ of Section 27 for irrigation of 130 acres in the NE ¼ of Section 27; all in T95N-R57W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder constructed a 193 foot deep well into the Lower James: Missouri Aquifer in the SE ¼ NE ¼ of Section 27 T95N-R57W

- **If irrigation, no new land is irrigated**

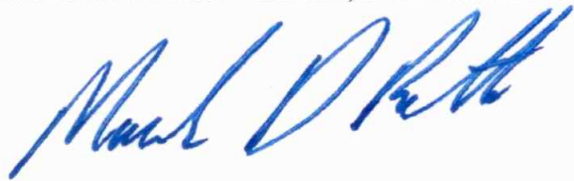
The permit holder developed 128 acres in the NE ¼ of Section 27 T95N-R57W.

- **Review of Existing Diversions**

There are two existing water permits/rights within a mile of where the this well was developed into the Lower James: Missouri Aquifer. All were existing permits/rights when this permit was issued, it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

APR 25 2022

7831-3

Dennis Mitchell
Mitchell Family Ltd Partnership
PO Box 711
Yankton SD 57078-0711

Dear Mr. Mitchell:

Enclosed is Water License No. 7831-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7831-3

(1) Mitchell Family Ltd Partnership, PO Box 711, Yankton SD 57078 made Application No. 7831-3, March 27, 2013, for a water permit to divert 1.78 cubic feet of water per second from ground water, (one well) Lower James Missouri Scotland Aquifer, located in Yankton County, South Dakota for irrigation purposes. Permit No. 7831-3, with a priority date of March 27, 2013, was approved July 1, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 1, 2018, and for the application to beneficial use of water on or before July 1, 2022.

An investigation of the water use system found the well had been developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is as follows:

- 1,310' W and 1,360' S of the NE corner of Section 27, T95N, R57W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 43.02098, Longitude -97.56160

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 27, T95N, R57W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	22 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	37 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35 acres
Total		128 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mitchell Family Ltd Partnership, PO Box 711, Yankton SD 57078 the holder and/or owner of Water Right No. 7831-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well), Lower James Missouri Scotland Aquifer with a priority date of March 27, 2013 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7831-3 and subject to the following qualifications:

- The well authorized by Water Permit No. 7831-3 shall not be completed into the Niobrara Aquifer.
The well was drilled into the Lower James Missouri Scotland Aquifer as originally permitted.

continued

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7831-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in November 2013 by Cahoy Pump Service Inc. A copy of the well completion report is on file with the Water Rights Program.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

APR 25 2022

date

